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 File No.: 122429

**UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS**

Georgio Dano,

Plaintiff,

v.

InfoWars, LLC

Defendant.

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Case No: 1:21-cv-00598

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff Georgio Dano (“*Plaintiff*”), by and through its undersigned counsel, for its Complaint against defendant InfoWars, LLC (“*Defendant*”) states and alleges as follows:

**INTRODUCTION**

1. This action seeks to recover damages for copyright infringement.
2. Plaintiff herein creates videos and owns the rights to these images which Plaintiff licenses to online and print publications.
3. Plaintiff has obtained U.S. copyright registrations covering many of Plaintiff’s videos and many others are the subject of pending copyright applications.
4. Defendant owns and operates a website known as www.infowars.com (the “*Website*”).
5. Defendant, without permission or authorization from Plaintiff actively copied, stored, and/or displayed a still image from the Plaintiff’s Video on the Website and engaged in

1 this misconduct knowingly and in violation of the United States copyright laws.

2 **PARTIES**

3 6. Plaintiff Georgio Dano is an individual who is a citizen of the State of New York  
4 and maintains a principal place of business at 21 Cabot Place, Staten Island in Richmond  
5 County, New York.

6 7. On information and belief, defendant InfoWars, LLC, is a Texas Limited  
7 Liability Company with a principal place of business in Austin in Travis County, Texas and is  
8 liable and responsible to Plaintiff based on the facts herein alleged.

9 **JURISDICTION AND VENUE**

10 8. This Court has subject matter jurisdiction over the federal copyright  
11 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

12 9. This Court has personal jurisdiction over InfoWars, LLC because it maintains  
13 its principal place of business in Texas.

14 10. Venue is proper under 28 U.S.C. §1391(a)(2) because InfoWars, LLC does  
15 business in this Judicial District and/or because a substantial part of the events or omissions  
16 giving rise to the claim occurred in this Judicial District.

17 **FACTS COMMON TO ALL CLAIMS**

18 11. Plaintiff is the legal and rightful owner of videos which Plaintiff licenses to  
19 publications.

20 12. Plaintiff has invested significant time and money in building Plaintiff's portfolio.

21 13. Plaintiff has obtained active and valid copyright registrations from the United  
22 States Copyright Office (the "USCO") which cover many of Plaintiff's videos while many  
23 others are the subject of pending copyright applications.

24 14. Plaintiff's videos are original, creative works in which the Plaintiff owns  
25 protectable copyright interests.

26 15. InfoWars, LLC is the operator of the Website and is responsible for its content.

27 16. The Website is a popular and lucrative commercial enterprise.  
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1           17. The Website is monetized in that it sells merchandise to the public and, on  
2 information and belief, Defendant profits from these activities.

3           18. On or about December 1, 2020, Plaintiff Georgio Dano authored a Video of a  
4 police operation against a New York business allegedly violating the state's COVID-19  
5 restrictions (the "*Video*"). A copy of a still image from the Video is attached hereto as Exhibit  
6 1.

7           19. Plaintiff applied to the USCO to register the Video on or about December 14,  
8 2020 under Application No. 1-9976532441.

9           20. The Video was registered by the USCO on December 14, 2020 under  
10 Registration No. PA 2-276-255.

11           21. On or about December 3, 2020, Plaintiff observed a still image from the Video  
12 on the Website in a story dated December 2, 2020. A copy of the screengrab of the still image  
13 from the Video from the Website is attached hereto as Exhibit 2.

14           22. A copy of the still image from the Video was displayed at URL:  
15 [https://www.infowars.com/posts/nypd-conducts-sting-operation-against-bar-owner-defying-](https://www.infowars.com/posts/nypd-conducts-sting-operation-against-bar-owner-defying-draconian-covid-restrictions/)  
16 [draconian-covid-restrictions/](https://www.infowars.com/posts/nypd-conducts-sting-operation-against-bar-owner-defying-draconian-covid-restrictions/).

17           23. A copy of the still image from the Video was stored at URL: [https://api-](https://api-assets.infowars.com/2020/12/macpublichousew2498298.jpg)  
18 [assets.infowars.com/2020/12/macpublichousew2498298.jpg](https://api-assets.infowars.com/2020/12/macpublichousew2498298.jpg).

19           24. Without permission or authorization from Plaintiff, Defendant volitionally  
20 selected, copied, stored and/or displayed Plaintiff's copyright protected material as set forth in  
21 Exhibit "1" which is annexed hereto and incorporated in its entirety herein, on the Website.

22           25. On information and belief, the still image from the Video was copied, stored and  
23 displayed without license or permission, thereby infringing on Plaintiff's copyrights (hereinafter  
24 the "*Infringement*").

25           26. The Infringement includes a URL ("*Uniform Resource Locator*") for a fixed  
26 tangible medium of expression that was sufficiently permanent or stable to permit it to be  
27 communicated for a period of more than a transitory duration and therefore constitutes a specific  
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1 infringement. *17 U.S.C. §106(5); Perfect 10, Inc. v. Amazon.com, Inc.* 508 F.3d 1146, 1160 (9th  
2 Cir. 2007).

3 27. The Infringement is an exact copy of the still image from the Plaintiff's original  
4 Video that was directly copied and stored by Defendant on the Website.

5 28. On information and belief, Defendant takes an active and pervasive role in the  
6 content posted on its Website, including, but not limited to copying, posting, selecting,  
7 commenting on and/or displaying images including but not limited to Plaintiff's Video.

8 29. On information and belief, the still image from the Video was willfully and  
9 volitionally posted to the Website by Defendant.

10 30. On information and belief, Defendant is not registered with the United States  
11 Copyright Office pursuant to 17 U.S.C. §512.

12 31. On information and belief, Defendant was aware of facts or circumstances from  
13 which the determination regarding the Infringement was apparent. Defendant cannot claim that  
14 it was not aware of the infringing activities, including the specific Infringement which form the  
15 basis of this complaint, since such a claim would amount to only willful blindness to the  
16 Infringement on the part of Defendant.

17 32. On information and belief, Defendant engaged in the Infringement knowingly  
18 and in violation of applicable United States Copyright Laws.

19 33. On information and belief, Defendant had complete control over and actively  
20 reviewed and monitored the content posted on the Website.

21 34. On information and belief, Defendant has the legal right and ability to control  
22 and limit the infringing activities on its Website and exercised and/or had the right and ability  
23 to exercise such right.

24 35. On information and belief, Defendant monitors the content on its Website.

25 36. On information and belief, Defendant has received a financial benefit directly  
26 attributable to the Infringement.

27 37. On information and belief, the Infringement increased traffic to the Website and,  
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1 in turn, caused Defendant to realize an increase its advertising revenues and/or merchandise  
2 sales.

3 38. On information and belief, a large number of people have viewed the unlawful  
4 copies of the Photograph on the Website.

5 39. On information and belief, Defendant at all times had the ability to stop the  
6 reproduction and display of Plaintiff's copyrighted material.

7 40. Defendant's use of the Video, if widespread, would harm Plaintiff's potential  
8 market for the Photograph.

9 41. As a result of Defendant's misconduct, Plaintiff has been substantially harmed.

10 **FIRST COUNT**

11 ***(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)***

12 42. Plaintiff repeats and incorporates by reference the allegations contained in the  
13 preceding paragraphs, as though set forth in full herein.

14 43. The Video is an original, creative work in which Plaintiff owns a valid copyright  
15 properly registered with the United States Copyright Office.

16 44. Plaintiff has not licensed Defendant the right to use the Video in any manner,  
17 nor has Plaintiff assigned any of its exclusive rights in the copyrights to Defendant.

18 45. Without permission or authorization from Plaintiff and in willful violation of  
19 Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and illegally copied, stored,  
20 reproduced, distributed, adapted, and/or publicly displayed works copyrighted by Plaintiff  
21 thereby violating one of Plaintiff's exclusive rights in its copyrights.

22 46. Defendant's reproduction of a still image from the Video and the display of the  
23 still image constitutes willful copyright infringement. *Feist Publications, Inc. v. Rural*  
24 *Telephone Service Co., Inc.*, 499 U.S. 340, 361 (1991).

25 47. Plaintiff is informed and believes and thereon alleges that the Defendant  
26 willfully infringed upon Plaintiff's copyrighted Video in violation of Title 17 of the U.S. Code,  
27 in that they used, published, communicated, posted, publicized, and otherwise held out to the  
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1 public for commercial benefit, the original and unique Video of the Plaintiff without Plaintiff's  
2 consent or authority, by using them in the infringing article on the Website.

3 48. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is  
4 entitled to an award of actual damages and disgorgement of all of Defendant's profits  
5 attributable to the infringements as provided by 17 U.S.C. § 504 in an amount to be proven or,  
6 in the alternative, at Plaintiff's election, an award for statutory damages against each Defendant  
7 in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c).

8 49. As a result of the Defendant's violations of Title 17 of the U.S. Code, the court  
9 in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and  
10 costs pursuant to 17 U.S.C. § 505 from Defendant.

11 50. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is  
12 entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17  
13 U.S.C. § 502.

14 **JURY DEMAND**

15 51. Plaintiff hereby demands a trial of this action by jury.

16 **PRAYER FOR RELIEF**

17 **WHEREFORE** Plaintiff respectfully requests judgment as follows:

18 That the Court enters a judgment finding that Defendant has infringed on Plaintiff's  
19 rights to the Video in violation of 17 U.S.C. §501 et seq. and award damages and monetary  
20 relief as follows:

- 21 a. finding that Defendant infringed Plaintiff's copyright interest in the  
22 Video by copying and displaying without a license or consent;  
23 b. for an award of actual damages and disgorgement of all of Defendant's  
24 profits attributable to the infringements as provided by 17 U.S.C. § 504  
25 in an amount to be proven or, in the alternative, at Plaintiff's election, an  
26 award for statutory damages against each Defendant in an amount up to  
27 \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c),  
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1                   whichever is larger;

2           c.       for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from  
3                   any infringing use of any of Plaintiff's works;

4           d.       for costs of litigation and reasonable attorney's fees against Defendant  
5                   pursuant to 17 U.S.C. § 505;

6           e.       for pre judgment interest as permitted by law; and

7           f.       for any other relief the Court deems just and proper.

8  
9   DATED: July 6, 2021

10                   **BARSHAY SANDERS, PLLC**

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